

ORIGINAL

BILL NO. S-73-10-58

SPECIAL ORDINANCE NO. S- 119-73

AN ORDINANCE approving a contract with JOHN DEHNER, INC. for construction of a water line on Lake Avenue.

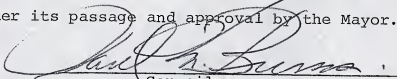
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The agreement approved October 11, 1973 between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and JOHN DEHNER, INC. for the construction of a water line as follows:

On Lake Ave. from the existing water main
213+ feet east of Lakehurst Dr., eastward
602+ feet.

for a total cost of \$11,592.09, of which \$6,206.04 is to be paid by contributors and the balance by Utility, all as more particularly set forth in said contract, which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Councilman

APPROVED AS TO FORM
AND LEGALITY.


CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Hingja, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 10-23-73

Charles W. Whitsturn
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hingja, and duly adopted, placed on its passage. Passed (~~LOSS~~) by the following vote:

AYES	<u>8</u>	NAYS	<u>0</u>	ABSTAINED	<u>1</u>	to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DATE: 11-13-73

Charles W. Whitsturn
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. S-119-73 on the 13th day of November, 1973.

ATTEST: (SEAL)

Charles W. Whitsturn
CITY CLERK

Donald A. Brown
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1973, at the hour of 4:00 o'clock A. M., E.S.T.

Charles W. Whitsturn
CITY CLERK

Approved and signed by me this 14th day of November, 1973, at the hour of 4:00 o'clock P. M., E.S.T.

Donald A. Brown
MAYOR

Bill No. S-73-10-58

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
approving a contract with JOHN DEHNER, INC. for
construction of a water line on Lake Avenue.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

Paul M. Burns - Chairman

William T. Hinga - Vice-Chairman

Vivian G. Schmidt

Donald J. Schmidt

Eugene Kraus, Jr.

William T. Hinga

Vivian G. Schmidt

Donald J. Schmidt

Eugene Kraus, Jr.

DATE 11-13-78 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

BOARD ORDER NO. 131-73

WORK ORDER NO. 62779

THIS AGREEMENT, made and entered into this 11th day of October, 1973, by and between RICHARD E. HARVEY, JR. AND OTHERS, hereinafter called CONTRIBUTOR and the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, by and through the MAYOR and the BOARD OF PUBLIC WORKS of said City, hereinafter called UTILITY, WITNESSETH:

That the said Contributor and the said Utility for the considerations hereinafter named, agree as follows:

1. That the Utility and the Contributor shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct 602+ feet of 16 inch water main, including all necessary fittings as follows:

On Lake Ave. from the existing water main 213+ feet east of Lakehurst Dr., eastward 602+ feet.

2. That said water main system shall be constructed according to the standards, plans and specifications of the Utility and that said Utility shall furnish water thru said main when completed, in accordance with the rules and regulations of said Utility, and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the Utility will not furnish water thru any part or parts of the water main covered hereunder unless and until the entire main shall have been tested, disinfected and placed in service and accepted by said Utility.

3. It is understood and agreed by and between the parties of this contract that the Contributor shall furnish all materials, contractual labor, and equipment for the construction of said water main through JOHN DEHNER, INC., at a cost of Ten Thousand Nine Hundred Ninety Two and 09/100 (\$10,992.09) Dollars, and that said Utility shall supply the necessary labor for inspection, pressure testing, disinfection and engineering at a cost of Six Hundred and no/100 (\$600.00) Dollars. Therefore, the total cost of said water main is Eleven Thousand Five Hundred Ninety Two and 09/100 (\$11,592.09) Dollars. It is further understood and agreed by and between the parties of this contract that the said Contributor shall bear the cost of the water main on the basis of a six (6) inch main, the cost of which is Six Thousand Two Hundred Six and 04/100 (\$6,206.04) Dollars, and which amount is the contract price of this Agreement. Therefore, it is agreed that upon completion and acceptance of said water main system by said Utility, the Utility will pay to said Contributor's contractor's the difference between the cost of materials, contractual labor and equipment as supplied by the contractor, as referred to above and the contract price of this Agreement, said difference being Four Thousand Seven Hundred Eighty Six and 05/100 (\$4,786.05) Dollars.

4. It is further understood and agreed by and between the parties of this contract that should any additional party wish to have a service connection tap made into this water main within a period of fifteen (15) years from the above date and become a permanent consumer of water on lot 11, Lakehurst Addition, Section "A", or any part or parts thereof, he shall apply to the said Utility for a permit to tap the above said water main and shall be required to pay to said Utility his share of the installation cost in addition to the regular tapping fee, which share shall be determined as follows: The total number of previous contributors, plus one, shall be divided into one contract price of this Agreement, and the cost thus derived shall be the amount the additional party shall pay as his share of said water main. The money so collected shall be divided equally among and paid to all previous Contributors.
5. The Utility may approve the extension of additional water mains from the water main covered in this contract without incurring any financial obligations to the Contributor under this contract except it is understood and agreed that the Utility will not permit any future customers of water on property contiguous to the water main subject to this contract to make a service connection tap into any lateral extension from this main so as to avoid payments of his aforesaid share of the installation cost of this main.
6. It is further understood and agreed that, upon completion and acceptance by the Utility, the water main and fittings installed under this contract shall form and be a part of the water works system of said Utility, and that all rights, title, and interest whatsoever, shall at all times be and remain in the City of Fort Wayne, Indiana.
7. Councilmanic Approval

This Agreement, although executed on behalf of the Utility by it's Mayor and Board of Public Works, shall not be binding upon the Utility unless and until the same shall have been ratified and approved by the Common Council of the City of Fort Wayne, Indiana, and should said Common Council fail to approve the same within sixty (60) days after the date hereof, then this contract shall be and become wholly void.

8. The following is a list of the contributor's names, their addresses and the amount paid.

NAME	ADDRESS	AMOUNT
<i>Ralph M. & Kay A. Swing</i>	5160 Lake Ave.	\$689.56
<i>Rex R. & Donna L. McKittrick</i>	5174 Lake Ave.	\$689.56
<i>Clyde A. & Luella Dalman</i>	5348 Lake Ave.	\$689.56
<i>Elizabeth Metker</i>	5310 Lake Ave.	\$689.56

8. (continued)

	NAME	ADDRESS	AMOUNT
5.	<u>Charles & Mary Voors</u>	5324 Lake Ave.	\$689.56
6.	<u>Kenneth B. & Beverly E. Krinn</u>	5325 Lake Ave.	\$689.56
7.	<u>Richard E., Jr. & Cynthia J. Harvey</u>	5247 Lake Ave.	\$689.56
8.	<u>Chester J. & Dorothy E. Keeler</u>	5235 Lake Ave.	\$689.56
9.	Temporary Advance by Utility for share to be collected due to Temporary Service Agreement with Steven P. Henry, 5165 Lake Ave.		<u>\$689.56</u>

Total \$6,206.04

WITNESS THE HANDS AND SEAL of said parties the day and year are first above written.

FORT WAYNE WATER UTILITY

BOARD OF PUBLIC WORKS:

L. D. Boswell
Chairman
Ronald K. Bonar

ATTEST:

E. L. Smith
Clerk

CITY OF FORT WAYNE, INDIANA

By: Ivan A. Lebamoff
Mayor

APPROVED AS TO FORM AND LEGALITY:

THIS INSTRUMENT PREPARED BY:
D. L. FOLAND, P.E.
CHIEF WATER ENGINEER

DIGEST SHEET

✓
J-73-10-58

TITLE OF ORDINANCE Water Contract 7324 for John Dehner for Lake Avenue water line

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE Ordinance will permit expenditure of Water Utility funds for oversizing of water main to be installed on Lake Avenue to serve eight properties. Oversizing will provide for future expansion. Charges for future tap will be divided among all contributors.

EFFECT OF PASSAGE Extension of water main and revenue to Utility for usage.

EFFECT OF NON-PASSAGE No oversizing for future expansion.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

\$4,786.05 cost to Utility. Total cost of main including inspection, engineering, etc. - \$11,592.09.

ASSIGNED TO COMMITTEE (J.N.) City of Littleton